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Comment:

March 12, 2020

Ms. Anne L. Idsal

Principal Deputy Assistant Administrator U.S. Environmental Protection Agency Mail code: 6101A

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Re: EPA Draft Guidance on Plantwide Applicability Limitation Provisions Under the New Source Review Regulations

Dear Ms. Idsal:

The Pennsylvania Department of Environmental Protection (DEP) appreciates the opportunity to provide comments on the United States Environmental Protection Agency's (EPA) February 13, 2020 draft Guidance on Plantwide Applicability Limitation Provisions Under the New Source Review Regulations.

EPA promulgated the plantwide applicability limitation (PAL) regulations at 40 CFR 51.21(aa) as part of the 2002 New Source Review reform on December 31, 2002 (67 Fed. Reg. 80, 186). In this draft guidance, EPA addresses specific concerns raised by stakeholders regarding the use of PALs in the New Source Review (NSR) permitting program. Key topics include: PAL permit reopening; PAL expiration; PAL adjustment during renewal; PAL termination; monitoring requirements; treatment of replacement units; general advantages of PALs and other considerations.

Since 1998, DEP has issued permits incorporating a facility-wide federally enforceable emissions cap that was similar to PAL under the state requirements at 25 Pa. Code § 127.448 (relating to emissions trading at facilities with federally enforceable emissions cap). DEP revised Pennsylvania's NSR requirements on May 19, 2007 (37 Pa. Bull. 2365) and subsequently issued 13 PAL permits to various source categories, including two renewal PAL permits. DEP is a strong proponent of PAL permits that provide significant operational flexibility and regulatory certainty. Please note that Pennsylvania has a robust minor NSR permit program which requires all sources to meet best available technology (BAT). Therefore, new emission units constructed at facilities with PAL permits will still be required to meet stringent standards.

DEP agrees that the reviewing authority as defined in 40 CFR 52.21(b)(51) retains the ultimate discretion for actions such as distribution of allowable emissions, renewal, and monitoring requirements. The reviewing authority is best equipped to handle these case-by-case decisions while ensuring appropriate emissions reductions.

DEP recommends that EPA include language in this guidance to provide flexibility for sources burning cleaner fuels. For example, one of the PAL permits issued by DEP incorporates a condition containing the following

language: Pursuant to 25 Pa. Code Section 127.218(k)(4), the Department may renew the PAL unchanged if the emissions are below 80% of the PAL level solely due to reduced utilization. This condition provides assurance to the company that they can retain the capability to burn coal even if they predominantly burn natural gas during the term of the PAL permit. The recommended condition would not discourage the permittee to seek a PAL provision while they are switching to cleaner fuel.

DEP appreciates the opportunity to provide comments on EPA's draft guidance on PAL provisions under the NSR regulations. If you have any questions, please contact me at (717) 772-2725.

Sincerely,

Krishnan Ramamurthy
Deputy Secretary
Office of Waste, Air, Radiation and Remediation